

EXHIBIT D

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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SHADY GROVE ORTHOPEDIC)	
ASSOCIATES, P.A.,)	
on behalf of itself and all)	
others similarly situated,)	
)	
Plaintiff,)	C.A. No.
v.)	06-CV-1842NG-JO
)	
ALLSTATE INSURANCE COMPANY,)	
)	
Defendant.)	
-----X		

January 11, 2012

(30) (b) (6) Deposition of SHADY GROVE
ORTHOPAEDIC ASSOCIATES, PA, by and through its
Agency Representative, J. BONITA NOLAN, held in
the offices of Shady Grove Orthopaedics
Associates, PA, 9715 Medical Center Drive,
Suite 436, Rockville, Maryland 20850, commencing
at 9:31 a.m., on the above date, before Cindy L.
Sebo, Registered Merit Reporter, Certified
Real-Time Reporter, Certified Shorthand Reporter,
Registered Professional Reporter, Certified Court
Reporter, Real-Time Systems Administrator and
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2 BY MR. HAHN:

3 Q. Can you answer the question?

4 And I promise that will be the last one.

5 A. No.

6 Q. No, you do not know what the
7 those laws are?

8 A. That is correct..

9 Q. Let me direct your attention to
10 Paragraph 17, where it states, and I quote,
11 Allstate routinely fails to pay covered claims
12 for first-party no-fault benefits within
13 30 days of the claimant's provision of proof
14 of the loss, in violation of New York
15 Insurance Law, Section 5106(a) and
16 NYCRR 65.15, closed quote.

17 And my question to you is, what
18 is the factual basis for the allegation that
19 Allstate routinely pays -- fails to pay
20 covered claims in that paragraph?

21 A. Are you ready for me to answer?

22 Q. Yes.

23 A. Well, particularly in the case
24 with -- with Galvez, if you want to refer to
25 Exhibit Nolan 3, M, it shows you the date the

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claim was filed and it shows you the date it had to be refiled because the claim was not paid.

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And then in Exhibit N, it shows you the denial of the claim stating that the claim was not submitted in the time that it was allowed, and they're asking us for proof that the claim was filed.

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And then in Exhibit -- I'm sorry -- Number P, the same situation where they're denying the claim, they're asking us for proof of the claim. And, in this instance, this is a date of service that was filed along with another date of service by the same provider.

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And I can assure you that these -- both of these claims went in the same envelope the same day to Allstate, and they paid one and denied the other. So I'm not sure how they would have gotten one claim that went in the same envelope with the other and they didn't get the other claim.

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Q. Just to clarify the record, are you sure they only paid one and not two of the

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2 claims -- three claims?

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A. Well, they paid two of the
claims.

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Q. Two of the three claims on that
date?

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A. I'm sorry. There are two claims
that were not paid.

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But my point was, two of the
claims -- one of the two claims that went in
the same envelope, one was paid and one was
not.

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Q. That's only in the Galvez
situation; is that correct?

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A. That is correct.

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Q. Okay. And what is the basis for
Shady Grove alleging that Allstate routinely
fails to pay? Are you -- are you arguing that
because of one instance, there are others?

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MR. SPADARO: Objection to the
form.

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THE WITNESS: I'm unable to
answer that. I only know about the
Galvez history of the -- of that claim.
I can only remember the history of the

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persons.

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Q. Okay. Do you still have before you the document that's been marked as Exhibit N, 3 to your deposition, that has the exhibit tabs?

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A. Yes.

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Q. And you've had an opportunity to review that document fully?

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A. Yes.

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Q. Can you simply tell me whether or not Shady Grove has a view as to whether that document is factually accurate?

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A. I do not agree with the date -- the date of the document. And, again, their date and date received, it could be different from what we consider. But from what they're saying is that they didn't receive this bill until October 31st, 2005.

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Q. All right. So there's some -- we don't have to explore it, but there's some disagreement with Allstate's representation as to dates on which bills were received by Allstate?

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A. Correct.

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Q. Let me ask you to focus on

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the -- the cover memorandum.

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Do you see that?

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A. Yes.

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Q. And it has heading with small

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Roman i and then a second heading with small

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Roman ii.

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Do you see that?

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A. Yes.

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Q. Now, I want to limit my question

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now to just the -- the history or chronology

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set forth in that cover memo.

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Do you understand the limitation

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that I'm asking you to observe?

16

A. Um-hum.

17

Q. You've had a chance to read that

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cover, ma'am?

19

A. Yes.

20

Q. Does Shady Grove have a view one

21

way or the other as to whether it is factually

22

accurate?

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A. It is accurate.

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Q. I confess I'm a little bit

25

confused about something relating to -- or